

MAPLE GROVE
PLANNING COMMISSION
March 29, 2021

CALL TO ORDER

A meeting of the Maple Grove Planning Commission was held at 7:00 p.m. on March 29, 2021 at the Maple Grove City Hall, Hennepin County, Minnesota. Chair Lamothe called the meeting to order at 7:00 p.m.

PLEDGE OF
ALLEGIANCE

ROLL CALL

Planning Commission members present were Chair Craig Lamothe, Chris Ayika, Lorie Klein, Susan Lindeman, Chuck Lenthe, Michael Ostaffe, and Joe Piket. Present also were Karen Jaeger, City Council Liaison; Joe Hogeboom, Community and Economic Development Director; Peter Vickerman, Planning Manager; and Scott Landsman, City Attorney.

ITEMS TO BE
REMOVED FROM
THE AGENDA

None.

CONSENT ITEMS

The following Consent Items were presented for the Commission's approval:

MINUTES

A. Regular Meeting – March 8, 2021

Motion by Commissioner Lenthe, seconded by Commissioner Lindeman, to approve the Consent Items as presented. Upon call of the motion by Chair Lamothe, there were seven ayes and no nays. Motion carried.

CONSIDERATION
OF ITEMS PULLED
FROM CONSENT
AGENDA

None.

REVIEW OF THE
CITY COUNCIL
MINUTES FROM

Mr. Hogeboom reviewed with the Commission what items the City Council approved that was given direction at the Planning Commission level.

THEIR REGULAR
MEETING OF
MARCH 15, 2021

OLD BUSINESS

No items to present.

NEW BUSINESS

PUBLIC HEARING

THE GROVE 15715
GROVE CIRCLE
TLH HOLDINGS
PLANNED UNIT
DEVELOPMENT –
DEVELOPMENT
STAGE PLAN TO
CONSTRUCT AN
APPROXIMATELY
5,937 SQUARE
FOOT MEDICAL
OFFICE BUILDING

Mr. Vickerman stated the applicant seeks approval of a development stage plan for the purpose of constructing a 5,937 square foot one-story medical office building on a 0.85-acre parcel. The site is on the western edge of the “Village” area of The Grove development adjacent to Hospital Drive. Although the proposed building is slightly larger than is shown on the approved concept plan, the increased building area is less than a 10% and does not require an amendment to the concept plan. Staff discussed the plans in further detail and made the following recommendation.

STAFF RECOMMENDATION:

Motion to recommend that the City Council direct the City Attorney to draft a Resolution and a Planned Unit Development agreement approving The Grove 15715 Grove Circle PUD development stage plan, subject to:

1. The applicant addressing to the satisfaction of the city any remaining applicable comments contained in the memorandums from:
 - a. The Transportation Operations Engineer dated March 3, 2021
 - b. The Fire Department dated March 8, 2021
 - c. The Water Resources Engineer dated February 26, 2021
 - d. The Parks & Recreation Department, dated March 3, 2021

The applicant shall acknowledge that Park Dedication requirements are based on staff review and recommendation to the Park and Recreation Board and their subsequent board action. Board meetings are held on the third Thursday of each month.

Discussion

Commissioner Piket asked if the building would have a large atrium. Mr. Vickerman stated this was the entryway and the other portions of the building would be medical offices.

Chris Whitehouse, architect for the project, commented further on how the entryway would serve as the waiting room for the medical offices.

Commissioner Lindeman commended the applicant and architect for creating an attractive medical office building.

Motion by Commissioner Lindeman, seconded by Commissioner Piket, to recommend that the City Council direct the City Attorney to draft a Resolution and a Planned Unit Development agreement approving The Grove 15715 Grove Circle PUD development stage plan, subject to:

- 1. The applicant addressing to the satisfaction of the city any remaining applicable comments contained in the memorandums from:**
 - a. The Transportation Operations Engineer dated March 3, 2021**
 - b. The Fire Department dated March 8, 2021**
 - c. The Water Resources Engineer dated February 26, 2021**
 - d. The Parks & Recreation Department, dated March 3, 2021**

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Upon call of the motion by Chair Lamothe, there were seven ayes and no nays. Motion carried.

PUBLIC HEARING
SHAKE SHACK
PRISA ARBOR

Mr. Hogeboom stated the applicant seeks the Shoppes at Arbor Lakes is seeking an amendment to its concept plan to allow a drive-through to be constructed as part of the planned Shake Shack restaurant. Shake Shack, which was initially approved in March, 2020, would be a stand-alone restaurant building located between

LAKES, LLC
12459 ELM CREEK
BOULEVARD
NORTH
PLANNED UNIT
DEVELOPMENT –
DEVELOPMENT
STAGE PLAN
AMENDMENT TO
CONSTRUCT A
STAND-ALONE
3,200 SQUARE
FOOT
RESTAURANT TO
INCLUDE A
DRIVE-THROUGH
IN THE
NORTHWEST
QUADRANT OF
THE PROPERTY

the shopping center's primary access drive onto Elm Creek Boulevard and Red Lobster. Shake Shack is a fast-casual restaurant that specializes in hamburgers, fries and milkshakes. There are currently 249 Shake Shack restaurants worldwide, with Minnesota locations in Southdale Center and the Mall of America. Initial plans for the Maple Grove location were put on hold at the start of the global pandemic. Staff discussed the plans in further detail with the Commission and made the following recommendation.

STAFF RECOMMENDATION:

Motion to recommend that the City Council direct the City Attorney to draft a Planned Unit Development Agreement and a Resolution approving the Shake Shack PUD non-residential and development stage plan amendment, subject to:

1. The applicant addressing to the satisfaction of the City any remaining applicable comments contained in the memorandums from:
 - a. The Engineering Department dated February 24, 2021 and March 24, 2021
 - b. The Fire Department dated March 8, 2021

The applicant shall acknowledge that Park Dedication requirements are based on staff review and recommendation to the Park and Recreation Board and their subsequent board action. Board meetings are held on the third Thursday of each month.

Discussion

Commissioner Lenthe commented on the access area to the drive through area. He questioned if a vehicle entering from the east could make the circle in the parking lot to the drive through. Mr. Hogeboom stated this was his understanding. He deferred this question to the applicant.

Jeff Westendorf, representative for the applicant, explained truck movements have been done in this area and pick up trucks could complete this movement.

Commissioner Lindeman stated she was concerned with how busy the Shake Shack would be upon opening. She understood this business would be run by the Shoppes at Arbor Lakes and asked if

the applicant had coordinated traffic control measures in place to ensure there would not be traffic problems. Mr. Hogeboom reported he has spoken to Mike Lanstad, the manager of the Shoppes at Arbor Lakes, there would be plans to control the parking lot and entry points. He reported staff has had extensive conversations with management to ensure traffic concerns were addressed. He commented further on the internal controls and signage that would be in place.

Commissioner Ostaffe questioned if traffic would back up on to the entrance road if the Shake Shack drive through were busy. Mr. Hogeboom explained this drive through will be Shake Shack's first drive through company-wide. He reported if there was a day when traffic was anticipated to be heavy, the immediate entrance could be closed and traffic could be looped through the parking lot to ensure there were not backups on Elm Creek Boulevard.

Chair Lamothe stated he had concerns with this amendment as related to the drive through. He commented he was not real keen on the way it was laid out. He was concerned with the loss of parking at the corner. He indicated parking was important in this area, along with pedestrian safety. He indicated he was uncertain how pedestrian traffic was being rerouted. He questioned why the restaurant was not oriented more parallel with Elm Creek Boulevard. Mr. Hogeboom deferred this question to the applicant but stated it was his understanding this orientation preserved the most amount of parking. He indicated when the building was shifted more spaces were lost.

Mr. Westendorf stated he tried several different building layouts on this site and the proposed orientation preserved the most parking and provided the most snow storage. He explained several parking studies have been completed and he believed there was plenty of parking onsite.

Chair Lamothe indicated the space that is furthest from the front door would be used by employees. He questioned why this space wasn't used versus taking the premium spaces. Mr. Westendorf stated again the proposed building orientation preserved and maximized the parking. Mr. Hogeboom added that the plans were presented to Pot Belly and their staff had no concerns with the proposed plans.

Commissioner Piket shared the same concerns as Chair Lamothe

regarding the building orientation and prime parking space loss.

Commissioner Ostaffe reported there was a legal agreement in place regarding parking and he feared the existing restaurant (Pot Belly) was being short changed by the new restaurant. He stated this was concerning to him.

Chair Lamothe commented at this point he could not support staff's recommendation for this request. He recommended the restaurant be moved down to the corner, away from the existing building in order to provide better circulation and preservation of higher value parking. He indicated he could support a drive through at this location, but not as proposed. He explained the plans before the Commission were less desirable than the plans that were approved in February of 2020.

Commissioner Piket reiterated that he would like to see this building oriented similar to Portillo's, versus taking out the parking that was closer to the other shops and would be sorely missed. Mr. Hogeboom explained the one difference between Portillo's and this site was there also needs to be accommodations for Red Lobster.

Commissioner Ostaffe asked what would be the other options for the building orientation and how would parking be impacted. Mr. Hogeboom discussed the cross parking agreement that was in place for Red Lobster at the Shoppes at Arbor Lakes. He reported he did not have the figures with him as to what was lost and gained based on the different building orientations. Mr. Westendorf stated 15 to 20 stalls were lost if the building were reoriented.

Chair Lamothe reported 15 was not a large number to him and noted not all parking spaces were created equal. He supported the building be reoriented for future consideration. Mr. Westendorf stated he could look at this further. He reiterated that the parking agreement with Red Lobster called for 264 parking stalls and currently he was proposing to have 265 parking spaces. He noted if the building was reoriented the parking requirements with Red Lobster would not be met.

Commissioner Lenthe stated he too was concerned with loss of parking near Pot Belly. He suggested this item be tabled in order to allow the applicant to provide the Commission with alternative layouts for the Shake Shack in order to preserve more parking for

Pot Belly.

Chair Lamothe stated he would support this recommendation. He indicated he would also like to know more about the pre-pandemic parking needs for Red Lobster to better understand if 264 parking stalls were required for the restaurants in this area.

Motion by Chair Lamothe, seconded by Commissioner Lenthe, to table action on this item to the April 12, 2021 Planning Commission meeting to allow the applicant to reorient the building for better traffic flow and parking purposes.

Commissioner Ayika asked if the parking agreement between Red Lobster and the applicant could be renegotiated. Mr. Hogeboom stated he was uncertain as to the terms of the agreement. He explained he would have to look into this further with Mr. Lanstad to better understand the parking terms.

Commissioner Piket questioned how tabling this matter would impact the applicant. Mr. Westendorf commented this would cut into the start of construction for the restaurant, which was not ideal.

Commissioner Piket explained the alternative would be for the Planning Commission to recommend denial of the request with the understanding the City Council would have the final say on this matter.

Chair Lamothe stated he would be willing to remove his motion to table if the Commission wanted to move to deny. City Attorney Landsman suggested the Commission keep this motion on the floor and move forward with a motion to deny. If the motion to deny fails, the Commission could table action to April 12, 2021.

Chair Lamothe commented his preference would be to allow the applicant to come back with something different, but if there were not enough votes to table, he would support denial.

Commissioner Lindeman explained the applicant does not want the item tabled at this time. For this reason, she recommended the Commission recommend denial.

Commissioner Piket agreed this was the way in which the applicant would like to move forward, even if it meant a recommendation for denial to the City Council.

Motion by Commissioner Piket, seconded by Chair Lamothe, to recommend that the City Council direct the City Attorney to draft a Planned Unit Development Agreement and a Resolution denying the Shake Shack PUD non-residential and development stage plan amendment, subject to:

- 1. The applicant addressing to the satisfaction of the City any remaining applicable comments contained in the memorandums from:**
 - a. The Engineering Department dated February 24, 2021 and March 24, 2021**
 - b. The Fire Department dated March 8, 2021**

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Mr. Hogeboom stated if there was a notion the Commission wanted to approve the request with extra conditions, staff could take another look at enhanced signage, pedestrian crossings and parking.

Commissioner Piket indicated he had considered this, but noted this would be such a significant change to the plans.

Chair Lamothe commented unless staff was considering a reorientation of the building, he would not be able to make a positive recommendation.

Commissioner Lenthe requested the applicant speak to the Commission on how he would like this item to move forward. Mr. Westendorf stated at this time, he would prefer the Commission to table action on this item to allow him to come back with an alternate layout.

Chair Lamothe stated he was open to either motion, but would defer to the wishes of the applicant.

Commissioner Ayika agreed it would be best to see the building reoriented versus denying the current design. He thanked the

applicant for agreeing to this compromise.

Commissioner Picket withdrew his motion to deny the request.

Chair Lamothe withdrew his second to deny the request. He noted the motion to table this item to April 12, 2021 was now on the floor.

Commissioner Ayika questioned if the applicant understood the concerns the Commission has with the request, which had to do with the building orientation, the drive through stacking, and the existing parking contract with Red Lobster.

Chair Lamothe stated he would also like the applicant to address what Red Lobster's parking needs are currently and what the pedestrian connectivity would be to the main aisle into the heart of the Shoppes at Arbor Lakes. Mr. Westendorf noted the existing parking lot from Public to Pot Belly would remain as is. He noted the north end would be pulled off into this site. Mr. Hogeboom reviewed the site plan in further detail with the Commission noting the existing sidewalk location and reviewed the concerns of Chair Lamothe.

Upon call of the motion by Chair Lamothe, there were seven ayes and no nays. Motion carried.

PUBLIC HEARING

PALISADES AT
NOTTINGHAM 3RD
ADDITION

PALISADES AT
NOTTINGHAM
DEVELOPMENT,
LLC

7310 ZANZIBAR
LANE NORTH

PLANNED UNIT
DEVELOPMENT

Mr. Vickerman stated the applicant seeks a Planned Unit Development (PUD) concept stage plan, development stage plan and rezoning approval for a seven lot, single-family detached home neighborhood. The total size is approximately 5 acres in size, with .12 acres of wetlands. The proposed density of 1.43 units per acre is consistent with the low-medium residential guiding of 1-4 units per acre. Access is proposed via a continuation of Xene Lane N which will then turn to the east (becoming 73rd Avenue North) and connect with Zanzibar Lane. A sidewalk is provided on one side of this street as was done in the rest of the Nottingham neighborhood. All lots are proposed to be over 10,000 s.f. in size and at least 85 feet in width. In general, the proposal is almost identical to the ghost plat that was created for this site when the Nottingham neighborhood was developed. Staff discussed the plans in further detail and made the following recommendation.

STAFF RECOMMENDATION:

CONCEPT STAGE
PLAN,
DEVELOPMENT
STAGE PLAN AND
REZONING TO
CONSTRUCT 7
DETACHED
SINGLE-FAMILY
HOMES

Motion to recommend that the City Council direct the City Attorney to draft a Resolution and a Planned Unit Development agreement approving the Palisades at Nottingham 3rd Addition PUD concept stage plan and development stage plan, subject to:

1. The applicant addressing to the satisfaction of the city any remaining applicable comments contained in the memorandums from:
 - a. The Community & Economic Development Department dated March 22, 2021
 - b. The Water Resources Engineer dated March 10, 2021
 - c. The Parks & Recreation Department, dated March 9, 2021

Motion to recommend the City Council direct the City Attorney to draft an Ordinance rezoning property from R-A, Single Family Agricultural to PUD Planned Unit Development subject to the approval of the final plat.

The applicant shall acknowledge that Park Dedication requirements are based on staff review and recommendation to the Park and Recreation Board and their subsequent board action. Board meetings are held on the third Thursday of each month.

Discussion

Commissioner Piket asked if the Arbor Committee had a chance to review this request. Mr. Vickerman stated the Arbor Committee Chair and Vice Chair had reviewed this matter and noted the request met the City's requirements because they were under the 51%.

Commissioner Lenthe questioned what future uses could be located on the open spaces adjacent to this parcel. Mr. Vickerman shared his screen with the Commission and discussed the uses that could locate on these adjacent properties.

Commissioner Ayika inquired if there would be sidewalks on both sides of the street. Mr. Vickerman commented all of the roads in the Nottingham neighborhood have sidewalks on only one side of the street and this would be continued. He explained a second

sidewalk would not be constructed on the south side of the street.

Chair Lamothe commented the sidewalk would shift to the north due to property considerations. He asked how this maneuver would be done safely. Mr. Vickerman indicated this was not typical. He noted a number of different options were reviewed by staff and the applicant. He believed that it was better to have some sidewalk out there rather than no sidewalk. He reported there would be low traffic in this neighborhood and for this reason, a mid-block crossing was being proposed.

Commissioner Ostaffe questioned if the sidewalk was moved to the north, would the road then be shifted and therefore be forcing the development to have smaller lot sizes. Mr. Vickerman reported the intent would be to have the road in the same place. He explained the area would be seeded along the south edge and the lot sizes would not be limited.

Commissioner Ostaffe inquired what the intent of the developer would be for the new homes. He discussed the location of the ravine on this property and asked if walkouts would be constructed, which could mean additional tree loss. Mr. Vickerman reported the applicant was proposing walkouts on all of the lots. He discussed how the lots had been oriented in order to save as many trees as possible.

The applicant was at the meeting to answer questions.

Eric Zehnder, Zehnder Homes, thanked the Commission for their consideration. He stated staff had done a great job summarizing his request and indicated he looked forward to moving forward with this development in Maple Grove. He noted he had lost one lot by reorienting the development around the ravine in an attempt to save more trees.

Chair Lamothe opened the public hearing at 8:01 p.m.

The public was asked by Chair Lamothe if they had any comments to make regarding this application.

Douglas Pollei, 16357 72nd Place North, explained he lives just west of this proposed development. He stated he has lived in this Nottingham neighborhood for the past 15 years. He indicated he was concerned about the loss of the old growth or historical trees. He encouraged the developer to build around the old trees. He

reported these trees would serve as a natural border to the southern area of the development. He recommended the southern border adjacent to the road that is old growth be preserved. He stated this could be done based upon a bylaw put in place by the city that old growth trees are known as historical trees.

Brian Loftsgard, 7297 Weston Lane, stated he lived just south of the subject property. He requested the trees be preserved as much as possible. He questioned why the trees to the west that are not on the subject property were being removed. Mr. Vickerman commented there was a condition for approval that any trees that appeared off the property would have to receive approval from the landowner prior to being removed.

Mr. Zehnder reported the plans had been adjusted to address this concern and no trees would be removed that were not on the property. He noted the tree survey had been revised to reflect this change.

Mr. Loftsgard requested he receive a copy of the revised tree survey. He explained on the northwest corner of his property is a gazebo that was there when he purchased his home. He wanted to be assured that if the developer were to damage his gazebo that the developer would make it right. Mr. Zehnder stated this would be the case. He reported he did not intend to damage property that was not his and if this did occur, he would make it right.

Kay Carlson, 7250 Zanzibar Lane, reported she lives to the south of the proposed development. She stated she was concerned with how the elevation of the walkouts would look from her home. She estimated the walkout homes would be six feet higher than her home. In addition, she feared how water would run off these homes onto adjacent properties. She indicated she had spent thousands of dollars repairing the prairie on her property and did not want excessive amounts of water runoff and wet areas destroying her prairie land. She noted she has already lost two apple trees and other trees because she has standing water in her backyard from the drainage coming off adjacent land spilling into her backyard. She anticipated there would be additional tree loss if more water was pushed onto her property.

Mr. Vickerman reviewed the drainage plan with the Commission noting all of the driveways for the new homes would drain to the road. He explained the engineering department has been in contact

with Ms. Carlson regarding her prairie area. He noted a storm sewer inlet was being created to bring water to the stormwater system. He commented further on the grading within the development as it approaches Zanzibar Lane. He reported the specific details would be worked out at a later phase for this project. He then discussed the elevation difference between the new homes and the existing homes.

Tom Marchant, 7298 Weston Lane, encouraged the developer to save as many trees as possible. He stated he and his wife moved to Maple Grove nine months ago noting he appreciated the City's efforts to preserve trees and wildlife. He discussed the beauty that was found along the Medicine Lake Regional Trail and noted this development was built along this ridgeline. He thanked Zehnder Homes for staying west of the ravine. He indicated this was an admirable move. However, he encouraged the developer to do even more to preserve more trees.

Shawn Gilligan, 16402 76th Place North, stated he has lived in Maple Grove since 2005. He discussed how all of Maple Grove benefits from the trees and wildlife in the community. He commented on how the neighborhood has developed over the past 20 years, noting this has led to increased traffic and shifts in how water drains. He suggested the Commission meet with the neighborhood association prior to moving forward with this development to ensure all needs were being met.

Mary Parenteau, Chair of the Arbor Committee, explained she had reviewed the plan and the request was just below the 50% threshold. She indicated after reviewing the plan further, she understood there were very large oaks (150 years old) in the southern portion of the property that would be lost. She stated these trees have great value. She encouraged the developer to work to save these trees.

Scott Feinberg, 16528 78th Avenue North, agreed a neighborhood review would benefit this development. He noted the majority of his neighbors were on spring break right now and would not in attendance at this meeting. He reported his home backed up to the trail. He stated he feared how the area would be impacted by the tremendous tree loss. He encouraged the Commission to hold off on taking action on this item until more neighbors could offer feedback.

Mr. Loftsgard stated the more trees that can be saved the better for both the new homeowners and the existing homeowners.

Mr. Zehnder responded he understood where the community is coming from. He pointed out that he was for trees. He explained he would not be taking trees that were not on his property. He noted all of the trees on the hill would remain, along with the trees to the east of the ravine. He reported this natural preserve area would remain. However, he noted he was requesting a conforming plat that met all City requirements and was within the density requirements. He indicated he could have requested an eighth lot, but voluntarily removed this lot in order to save more trees. He commented further on the grading plan noting this property was only two feet higher than the neighboring property. He discussed how the stormwater and drainage plans for the site would assist in capturing water runoff from this site that would benefit the neighboring properties.

Mr. Carlson stated when she spoke to City staff earlier this week, she was told the elevation of her property was 968 to 970 and that the elevation on the new homes would be 976, which was a six foot difference.

Mr. Pollei explained he received a letter from the City two weeks prior to this meeting so there was no way for the neighborhood to work as a group to decide whether a common group should come to this meeting. He recommended action on this item be tabled in order to allow the community to come together to discuss the proposed development.

Motion by Commissioner Piket, seconded by Commissioner Lindeman, to close the public hearing at 8:35 p.m. Upon call of the motion by Chair Lamothe, there were seven ayes and no nays. Motion carried.

Chair Lamothe asked how many trees were saved by the developer giving back the eighth lot. Mr. Vickerman stated he does not recall that a full tree analysis had been done on the eight lots. Mr. Zehnder commented he does not have a number in front of him, but noted it was a significant number by reducing the eighth lot.

Chair Lamothe requested further comment on how the applicant had engaged the neighborhood. Mr. Zehnder reported he was building the Nottingham 2nd Addition which meant he had been in

the neighborhood building homes for the past year. He stated he approached the association and the board knows what he was doing because he requested his development be annexed into the neighborhood. He noted he has traded emails with Brian Loftsgard. In addition, he noted Mr. Marchant and other neighbors have called him.

Chair Lamothe questioned if any other efforts were made to reach out to the neighborhood. Mr. Zehnder commented he did not go knocking on doors, but he had approached the board with his request. He explained there were only a handful of properties that abut this development.

Commissioner Lindeman inquired if notices were sent to the neighbors within the required timeframe. Mr. Vickerman reported this was the case. He explained city staff followed State Statute on this matter.

Commissioner Lindeman asked if the applicant would be agreeable to meeting with the neighbors to address their concerns if the item were tabled. Mr. Zehnder stated he would be willing to meet with people, but he was hopeful the item would not be tabled given the fact this was a conforming plat.

Commissioner Lenthe commented some of the discussion regarding 71st Place and the old oak trees along this roadway. He noted the sidewalk was being moved from the south to the north side and this should save some trees. He questioned if there would be value in moving the street further to the north to save additional trees. Mr. Vickerman stated the grading would have to be further evaluated noting the road would have to be pushed quite a ways away from the oak trees in order to save their root systems. Mr. Zehnder commented in looking at the tree survey, there were ash trees, boxelder trees and basswoods. He noted there were not any oaks along that property line. He anticipated there were a couple of oaks in the triangle area that could be saved. He indicated when the property to the south develops, he noted additional trees would be lost. He agreed trees are great and he would work to save as many as possible. He encouraged the adjacent residents to remember that trees were taken down for their homes to be built.

Commissioner Piket requested further comment from the applicant regarding the Nottingham 2nd Addition and the trees that were saved within this development. Mr. Zehnder reiterated that he

likes trees and he would work to keep the tree protected. He stated he has had great success in saving a number of trees in the Nottingham 2nd Addition.

Commissioner Klein commented on the tree removal calculations and the number of caliper inches that would be removed. She asked if old growth trees were taken into consideration. Mr. Vickerman commented the overall number of inches was considered. He explained the older trees count for more inches if they are taken down or if they are saved.

Commissioner Klein questioned if there were other cities that take into account old growth trees versus just looking at inches. Mr. Vickerman indicated he was not aware of this.

Commissioner Klein stated it was terrible that old growth trees were being removed, but she also understood people had the right to develop their own private property. She questioned if the Planning Commission should be looking to review its tree preservation ordinance and if old growth trees should be treated differently in the future. Mr. Vickerman explained staff was in the midst of updating the T-zone Ordinance and this could be discussed through this work.

Motion by Commissioner Lindeman, seconded by Commissioner Lenthe, to recommend that the City Council direct the City Attorney to draft a Resolution and a Planned Unit Development agreement approving the Palisades at Nottingham 3rd Addition PUD concept stage plan and development stage plan encouraging the developer to work with the neighbors regarding their concerns and subject to:

- 1. The applicant addressing to the satisfaction of the city any remaining applicable comments contained in the memorandums from:**
 - a. The Community & Economic Development Department dated March 22, 2021**
 - b. The Water Resources Engineer dated March 10, 2021**
 - c. The Parks & Recreation Department, dated March 9, 2021.**

The applicant shall acknowledge that Park Dedication

requirements are based on staff review and recommendation to the Park and Recreation Board and their subsequent board action. Board meetings are held on the third Thursday of each month.

Commissioner Ostaffe noted there were some old growth trees that could possibly be saved. He encouraged the developer to do a walk through with the neighbors to point out how which can be saved and which cannot.

Commissioner Ayika supported the developer meeting with the neighbors. He reiterated that the developer had already given up one lot in order to save trees. He anticipated the developer would enhance the water runoff by developing the property. He noted the developer would not be able to save all of the trees, but encouraged the developer to look at saving as many of the old growth trees as possible. He commented overall, this looked like a good development.

Commissioner Lenthe asked if there was a way to require the applicant to meet with the Arbor Committee or planning staff to further review the trees along the south lot line in an effort to preserve more trees.

Chair Lamothe asked if this could be made a condition for approval. City Attorney Landsman explained the Commission could amend the motion to include this condition.

Commissioner Ayika stated typically the Commission makes recommendations when there are specific things to do. However, when the applicant needs to work items out with staff or the neighbors, he did not believe an amendment was necessary.

Chair Lamothe agreed that over the past 10 years he did not recall an amendment that required a developer to speak with the neighbors. He reported he was supportive of the development overall. He indicated he was disappointed with the lack of engagement with the surrounding community, particularly knowing trees were a sensitive subject. He questioned how the Commission wanted to proceed.

Commissioner Ayika recommended the item move forward without an amendment, but rather that the applicant be encouraged to speak further with the neighbors and staff regarding tree

preservation.

Commissioner Pickett agreed noting he was impressed the applicant had already given up one lot to save trees.

Commissioner Lenthe noted he would be supportive of the motion and this item moving forward.

Commissioner Ostafie explained he can see the west side of this property from his deck. He understood a number of the trees would be coming down for the new lots and encouraged the developer to save as many trees as possible.

Upon call of the motion by Chair Lamothe, there were seven ayes and no nays. Motion carried.

Motion by Commissioner Lindeman, seconded by Commissioner Lenthe, to recommend that the City Attorney draft an Ordinance rezoning property from R-A, Single Family Agricultural to PUD Planned Unit Development subject to the approval of the final plat. Upon call of the motion by Chair Lamothe, there were seven ayes and no nays. Motion carried.

Mr. Zehnder encouraged the neighbors to contact him and stated he would be happy to meet with neighbors on the property on Tuesday or Wednesday to walk through the property.

DISCUSSION ITEMS

There were no discussion items.

ADJOURNMENT

Motion by Commissioner Ayika, seconded by Commissioner Lindeman, to adjourn the Planning Commission meeting. Upon call of the motion by Chair Lamothe, there were seven ayes and no nays. Motion carried.

Chair Lamothe adjourned the meeting at 9:06 p.m. to the next regularly scheduled meeting of the Planning Commission scheduled for April 12, 2021.